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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

SOCORRO CHAVEZ, INDIVIDUALLY, and  
JUAN CHAVEZ, INDIVIDUALLY

Plaintiffs,

V.

WYNDHAM VACATION RESORTS, INC., TOM  
S. PALMER, AN INDIVIDUAL, and DOE  
INDIVIDUALS I through X, inclusive; and  
ROE BUSINESS ENTITIES XI through XX,  
inclusive,

Defendants.

CASE NO.: 2:20-cv-01222-JCM-DJA

**STIPULATION AND ~~PROPOSED~~  
ORDER TO EXTEND CERTAIN  
DISCOVERY DEADLINES AND  
AMEND CURRENT DISCOVERY  
PLAN AND SCHEDULING ORDER  
[ECF NO. 39]**

**[SECOND REQUEST]**

Plaintiffs SOCORRO CHAVEZ and JUAN CHAVEZ (collectively, “Plaintiffs” or the  
“Chavezes”) and Defendant WYNDHAM VACATION RESORTS, INC. ( “Defendant”),<sup>2</sup> by and  
through its respective counsel of record, hereby stipulate and agree, subject to this Court’s approval,  
to extend the current discovery deadlines and amend the Discovery Plan and Scheduling Order (ECF  
No. 39) by ninety (90) days. This is the second request to extend the discovery deadlines in this  
matter. The Parties are in agreement that the requested extension is in the interest of all parties to

<sup>2</sup> Pursuant to the Court’s Order dated February 17, 2021 (ECF No. 42), Plaintiffs’ claims against  
defendant Tom S. Palmer were dismissed; therefore, because he is no longer a party to this litigation,  
he is not a party to this stipulation.

1 allow them to diligently conduct necessary discovery. The parties submit that this additional  
2 discovery extension is sought in good faith and will not unduly delay these proceedings.

3 Based on this Court's Order granting the Errata to Unopposed Motion to Extend Certain  
4 Discovery Deadlines and Amend Discovery Plan and Scheduling Order (ECF No. 39), the current  
5 unexpired discovery deadlines are as follows: Initial Expert disclosure: April 26, 2021; Rebuttal  
6 expert disclosure: May 25, 2021; Discovery cut-off: June 24, 2021; Dispositive Motions: July 26,  
7 2021, and the Pre-trial Order: August 24, 2021.

8 In compliance with LR 6-1 and 26-3, the parties submit that good cause exists to extend the  
9 above-referenced discovery deadlines by 90 days.

### 10 **DISCOVERY COMPLETED**

11 The Joint Discovery Plan and Scheduling Order was entered herein on September 18, 2020  
12 [ECF No. 30]. Plaintiffs provided their Initial Disclosures on September 24, 2020, and a Supplement  
13 thereto on October 5, 2020, which included Plaintiffs' computation of damages. Defendants served  
14 their Initial Disclosures on September 24, 2020, and a First Supplement on February 16, 2021, which  
15 contained more than 3,000 pages of documents.

16 Plaintiffs served their First Set of Interrogatories and First Set of Requests for Production of  
17 Documents to Defendants on December 30, 2020.

18 The parties filed an Unopposed Motion to Extend Certain Discovery Deadlines and Amend  
19 Discovery Plan and Scheduling Order on December 31, 2020 [ECF No. 36], which was granted by  
20 the Court on January 15, 2021 [ECF No. 39].

21 Defendants responded to Plaintiff's First Set of Interrogatories and First Set of Requests for  
22 Production on Documents on February 16, 2021.

23 On February 17, 2021, the Court entered its Order granting defendant Tom S. Palmer's  
24 Motion to Dismiss in its entirety, which removed Tom S. Palmer from the litigation. (ECF No. 42.)  
25 The Order also dismissed the claim against Defendant for violation of NRS 207.171. (Id.) Defendant  
26 filed its Answer to the Complaint on March 3, 2021. (ECF No. 43.)

27 Defendant served its First Set of Interrogatories to Plaintiff and First Set of Requests for  
28 Production of Documents to Plaintiff on March 19, 2021.

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**DISCOVERY THAT REMAINS TO BE COMPLETED**

The parties intend to serve additional written discovery on each other based on the current discovery responses. The Parties also continue to anticipate that they will be requesting to take at least four depositions, which numbers may increase as discovery continues. Furthermore, Defendant expressed that it would like to take in-person depositions of the Plaintiffs in this matter, in part, due to the anticipate language barrier between Plaintiffs and defense counsel, thus additional time is needed in light of certain Covid-19 restrictions and preferences as it is believed Plaintiffs are in vulnerable categories because of age. It is anticipated that many of the Covid-19 related concerns in attending a deposition in-person will reduced with the passage of additional time.

Moreover, Plaintiffs recently requested a meet and confer with respect to Defendants' objections and responses to the First Set of Requests for Production. The parties anticipate that they may need to file discovery motions if an agreement cannot be reached on these issues. In addition, Plaintiff still needs to respond to Defendants' written discovery that was served on March 19, 2021, which responses are due by April 19, 2021, just one week before the Initial Expert Disclosure deadline. As such, additional time will be needed for the parties to confer on their disputes and attempt to resolve any disputes via the meet and confer requirements, then allow the court to rule on any matters in which an agreement cannot be made, and finally, in the event additional responses are required, provide those responses.

Also, Plaintiffs believe that there is insufficient time within the current discovery deadlines to resolve their objections to Defendants' responses to the First Set of Requests for Production and to enable them to comply with the current expert disclosure deadline. Based thereon, the parties agree the additional 90 days of discovery would assist them to resolve the pending discovery disputes and comply with the other discovery case deadlines.

**REASON WHY THE REMAINING DISCOVERY CANNOT BE COMPLETED  
WITHIN THE TIME LIMITS SET BY THE CURRENT SCHEDULING ORDER**

Despite the parties diligence in conducting discovery to date, as set forth above, Defendant recently responded to written discovery propounded by Plaintiffs, and Plaintiffs have some disagreements with respect to discovery productions. The parties are currently in the process of attempting to resolve those disagreements via meet and confer requirements and making

supplemental document production, but anticipate that court intervention could be needed. The parties agree that this will delay discovery. Furthermore, Plaintiffs believe that there is insufficient time within the current discovery deadlines to both resolve their discovery objections with Defendants, particularly if court intervention is needed, and comply with the current expert disclosure deadline which is less than 30 days away. Therefore, the parties agree that an additional extension of 90 days will allow them to resolve their discovery disputes appropriately without impacting other case deadlines. The length of the requested extension should not result in prejudice to any party.

This is the second extension of discovery sought in this matter. This requested extension should be granted as good cause exists and there will be no prejudice or undue delay to any of the parties.

#### **PROPOSED-SCHEDULING ORDER**

The parties stipulated to the following new discovery deadlines:

- a. Discovery Cut-Off Date: **September 22, 2021** (formerly June 24, 2021)
- b. Amending the Pleadings and Adding Parties: This deadline has already expired and shall not be extended.
- c. Initial Expert Disclosure: **July 26, 2021** (formerly April 26, 2021)
- a. Rebuttal Expert Disclosure: **August 25, 2021** (formerly May 25, 2021)
- d. Dispositive Motions: **October 22, 2021** (formerly July 26, 2021)

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e. Pretrial Order: **November 22, 2021** (formerly August 25, 2021), unless pursuant to LR 26.1(e)(5), if dispositive motions are filed, this date will be suspended until 30 days after decision on the dispositive motions or further order of the Court.

Therefore, the parties respectfully request that the Court enter an order approving the proposed discovery schedule as set forth above.

DATED this 29<sup>th</sup> day of March, 2021.

**ALBRIGHT, STODDARD, WARNICK  
& ALBRIGHT**

**ARMSTRONG TEASDALE LLP**

/s/ Jorge L. Alvarez, Esq.

/s/ Michelle D. Alarie, Esq.

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**ORDER**

**IT IS SO ORDERED.**



DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE

DATED: March 30, 2021